

FILED

DEC 17 1984

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
MISCELLANEOUS ORDER NO. 38

NANCY HALL DOHERTY, CLERK
By SH Deputy

The following order is entered concerning court security for the United States District Courts for the Northern District of Texas. It is the finding and conclusion of the Judges of the Northern District of Texas that a real potential exists for the disruption of court proceedings in criminal cases and that the possibility of injury and harm to persons because of such disruption exist. This condition requires the presence of Deputy United States Marshals in all criminal proceedings. The need is particularly critical in narcotic cases, tax protestor cases, and cases involving repeat offenders, but the real possibility of disruption is present in every criminal proceeding and these disruptions may come not only from the defendant, but from spectators, family members, and others in and about the courtroom.

It is therefore concluded that the presence of one or more Deputy United States Marshals is needed and required in all criminal proceedings. The Deputy United States Marshal must be present in the original appearances of the defendants, in hearings on motions and other pretrial proceedings, in the trial of the case from the seating and selection of the jury through the verdict which necessitates a Deputy United States Marshal to protect the jury and to insulate the jury from outside influences during deliberations, and in sentencing proceedings.

The presence of the Deputy United States Marshal will also be required in criminal proceedings before United States Magistrates as well as the Judges of this District, as well as any post-trial hearings or proceedings.

It is therefore ordered that the United States Marshal for the Northern District of Texas make available the services of one or more Deputy United States Marshals in each division of this District in all criminal proceedings and to remain in the courtroom during the entirety of such proceedings.


In pretrial proceedings in criminal cases, where the defendant is not present, a Deputy United States Marshal will not be required unless ordered by the presiding Judge. Further, in initial appearances before the United States Magistrate or other judicial officer, a United States Marshal will not be required to be present providing that some other agent of a law enforcement agency of the United States government is present at such initial appearance.

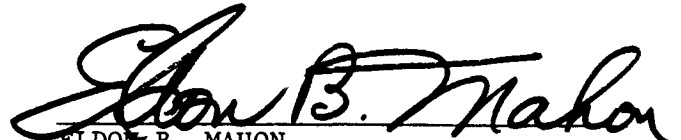
The Judges of this court are of the opinion that the potential for interference with jury deliberations, or disruption of such deliberations, is an ever present possibility and will require the services of a United States Marshal to prevent any disturbance or intrusion upon such deliberations. However, if provision can be made by the Deputy United States Marshal with other court personnel to protect the jury in such instances, the Deputy United States Marshal will not be required to be present unless otherwise ordered by the Judge.

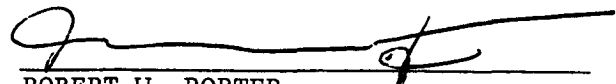
This order does not affect the proceedings in civil cases, but each Judge shall determine, under the circumstances then existing, if violence or disruption, or the possibility of same, is present and upon such consideration by the Judge issue the appropriate order.

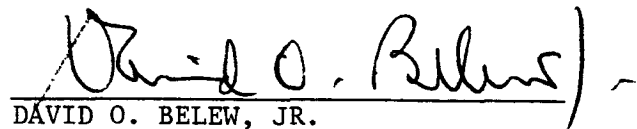
This order is entered in accordance with the Report of the Attorney General's Task Force on Court Security dated March 1982 and in particular with the four levels of risk environment enumerated on pages three and four of said report.

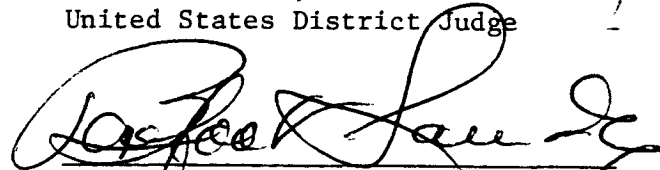
This order is effective as December 1, 1984.



HALBERT O. WOODWARD, Chief
United States District Judge



ELDON B. MAHON
United States District Judge


ROBERT W. PORTER
United States District Judge

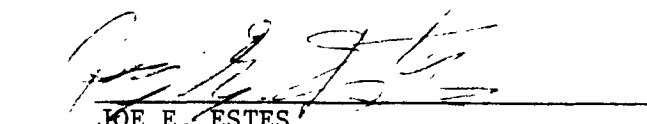

DAVID O. BELEW, JR.
United States District Judge

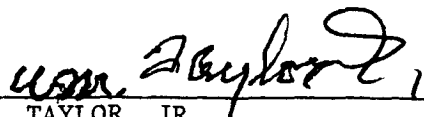

BAREFOOT SANDERS
United States District Judge


MARY LOU ROBINSON
United States District Judge


JERRY L. BUCHMEYER
United States District Judge


A. JOE FISH
United States District Judge


JOE E. ESTES
United States District Judge



W. M. TAYLOR, JR.
United States District Judge